IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Sam Cynamon

Patent No.: 6.475.047

Issue Date: November 5, 2002

Serial Not 09/785,941

Filed: February 16, 2001

For: RESCUE DEVICE

Confirmation No.: 4399

Petitions Attorney: Patricia Faison-Ball

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

STATEMENT OF JOANNE RHEE

SIR:

I, Joanne Rhee, residing at 9 South Browning Avenue, Tenafly, New Jersey 07670, hereby declare that:

I have been employed as a Legal Assistant/Paralegal at law firms specializing in intellectual property matters since about November 2001.

I was employed as a Legal Assistant/Paralegal to Robert P. Michal at Frishauf, Holtz, Goodman & Chick P.C. (FHGC), from April 2009 to April 2010. FHGC, which after Mr. Michal's departure changed its name to Holtz, Holtz, Goodman & Chick, P.C., ("Holtz"), is located at 220 Fifth Avenue, New York, New York 10001. I have been employed as a Legal Assistant/Paralegal to Robert P. Michal at Lucas & Mercanti LLP ("L&M") since April 2010, when he resigned from

FHGC to join L&M. I worked closely with Mr. Michal in the transfer of matters from FHGC to L&M. As such, I am very familiar with the circumstances surrounding the transfer of the matters from FHGC to L&M.

During the week of April 12, 2010, FHGC sent out a letter of election signed by both Douglas Holtz and Robert P. Michal to each of the FHGC clients for whom Robert P. Michal was responsible (see Exhibit 1 Sample letters to client) to advise each client that Mr. Michal was resigning from FHGC to join L&M, and to inquire of each client whether their matters should stay at FHGC, be transferred to L&M, or be sent to another location.

On Friday, April 16, 2010, Mr. Sam Cynamon sent his authorization to transfer all of his matters from FHGC to L&M (see Exhibit 2). Based on this authorization, FHGC generated a client docket report regarding all of Mr. Cynamon's matters that were being handled by FHGC and provided it to Robert P. Michal, (see Exhibit 3). Mr. Michal gave the docket report to me to record the physical file transfers from FHGC to L&M. Docket reports were also prepared by FHGC for each client that wanted their matters transferred to L&M.

Mr. Michal and I began employment at L&M on Monday, April 19, 2010. As more than 80 clients directed their matters to be transferred from FHGC to L&M, and some clients had more than 30-40 pending matters, I created an Excel chart for each client to provide a concise list of the matters that were to be transferred, and to more easily monitor the receipt of files sent from FHGC to L&M (see Exhibit 4). The Excel chart was prepared based upon the docket reports that were provided by FHGC. The Excel chart that I generated for each client, including Mr. Cynamon, was provided to Mr. Michal for his review along with the docket report provided by FGHC, to confirm that all of the matters listed in the docket report were included in the Excel chart. Mr. Michal confirmed that all of the matters listed on the FHGC docket report for Mr. Cynamon were included

on the Excel Chart.

The physical files for Mr. Cynamon's matters were received by L&M on Monday, April 19, 2010, and L&M cross-checked the Excel chart I created and the docket report that was separately provided by FHGC with the physical files that were received.

In conjunction with the transfer of responsibility for Mr. Cynamon's matters and all of the other client matters being transferred from FHGC to L&M, I created new Power of Attorney forms for the transferred matters as needed, filed the forms with the USPTO, and filed a Change of Correspondence Address for each transferred matter.

On January 30, 2013, Mr. Michal informed me that he received a telephone call from Sam Cynamon inquiring as to the status of USP 6.475,047. I was told that Mr. Cynamon inquired as to whether the necessary second maintenance fee had been submitted to the U.S. Patent Office in connection with USP 6.475,047 to maintain this patent. Mr. Michal requested that I access the PAIR system through the Patent Office website. I discovered that USP 6.475,047 had expired due to the non-payment of maintenance fees under 37 CFR 1.362. I was told by Mr. Michal that he confirmed with Mr. Cynamon that Mr. Cynamon did not receive any notification that the maintenance fee for USP 6.475,047 was due.

Thereafter, I checked the L&M records for all of the Sam Cynamon matters that were transferred from FHGC to L&M, and discovered that the FHGC office file corresponding to US 6,475,047 was not transferred to L&M, nor was USP 6,475,047 listed in the docket reports provided by FHGC to L&M (see Exhibit 3). As a result, USP 6,475,047 was not entered into the docketing records of L&M, nor was a change of correspondence address and attorney/agent information submitted to the Patent Office.

It is my understanding that we filed a PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT on January 31, 2013. After we received the Decision on the Petition, a Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address was provided to Mr. Cynamon and filed with the USPTO on April 2, 2013 (see Exhibit 5). In addition, in accordance with the Examiner's suggestion, a "FEE ADDRESS" INDICATION FORM was also filed on May 1, 2013 as well (see Exhibit 5).

It is my belief that the non-payment of the maintenance fee was due to an error of the original FHGC docket report for Sam Cynamon's matters which did not include USP 6,475,047 and FHGC's failure to transfer the physical file for USP 6,475,047 to L&M.

After learning of the non-payment of the maintenance fee, I contacted Ms. Catherine Bacon of Holtz to request that the physical file for USP 6.475,047 be provided to us. Ms. Bacon provided the Patent Office file to me on April 17, 2013. Ms. Bacon advised me that she had previously provided a Notice of Patent Expiration in connection with USP 6,475,047 to our firm on or about January, 2011. However, we have no record of receipt of this item in our office. I note that Ms. Bacon did not mention that Holtz received or forwarded to L&M of the USPTO Notice of Maintenance Fee Reminder, which would have been issued in time for the appropriate maintenance fee to be paid. In reply to our request, the Holtz firm agreed to provide a Statement by Catherine Bacon regarding the transfer of responsibility of matters from FHGC to L&M. This is the only Statement that was provided by the Holtz firm in connection with this matter.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date May 1, 2013

Joanne RHEE



FRISHAUF HOLTZ GOODMAN & CHICK P.C.

INTELLECTUAL PROPERTY LAW 220 FIFTH AVENUE, NEW YORK, NY 10001-7708

TELEPHONE: +1 212 319 4900 FACSIMILE: +1 212 319 5101

LEONARD HOLTZ HERBERT GOODMAN MARSHALL J. CHICK RICHARD S. BARTH DOUGLAS HOLTZ ROBERT P. MIGHAL

OF COUNSEL: BRIAN ROFFE

April 12, 2010

Mr. Morris Hassan Rubbercycle LLC 1985 Rutgers Blvd. Lakewood, NJ 08701

Dear Mr. Hassan:

Mr. Robert Michal will be leaving this firm as of April 19, 2010, to become a partner of Lucas & Mercanti LLP, 475 Park Avenue South, New York, New York 10016. an IP law firm.

Mr. Michal currently handles putent and/or trademark matters for you.

This letter is being sent to inform you of the following options with respect to continued legal representation, for matters being handled for you by Mr. Michal:

- (1) You may elect to remain a client of this firm and have your files remain with this firm;
- (2) You may elect to be represented by Mr. Michal at Lucas & Mercanti and have your files transferred to that firm:
- (3) You may elect to be represented by this firm for selected matters and to be represented by Mr. Michal at Lucas & Mercanti for other selected matters (if you select this option, please specifically indicate which matters are to be handled by this firm and which matters are to be handled by Mr. Michal);
- (4) You may elect to be represented by another firm and have your files transferred to that firm; or
- (5) You may request return of your files directly to you.

Please indicate your instructions in the form below and return a signed and dated copy of this letter by facsimile to both 212-319-5101 and 212-661-8002.

Thank you for your attention and cooperation.

Very truly yours,

Douglas Holtz

WYXILL

I/We hereby exercise option (\hat{A}) set forth above.

option (gs.) set for

By:

Print name: <u>MORRIS HASSAN</u>
Date: 5/5/2010 , 2010

FRISHAUF HOLTZ GOODMAN & CHICK P.C.

INTELLECTUAL PROPERTY LAW 220 FIFTH AVENUE, NEW YORK, NY 10001-7708

FACSIMILE:

TELEPHONE: +12123194900 +12123195101

LEGNARD HOLTZ HERBERT GOODMAN MARSHALL J. CHICK RICHARD S. BARTH DOUGLAS HOLTZ ROBERT P. MICHAL

OF COUNSEL BRIAN ROFFE

April 12, 2010

RECEIVED

APR 1 6 2010 FRISHAUL HULTZ GOODMAN & GRICK, P. Q.

Mr. Sam Cynamon 517 Wyoming Avenue Millburn, New Jersey 07041

Dear Mr. Cynamon:

Mr. Robert Michal will be leaving this firm as of April 19, 2010, to become a partner of Lucas & Mercanti LLP, 475 Park Avenue South, New York, New York 10016, an IP law firm.

Mr. Michal currently handles patent and/or trademark matters for you.

This letter is being sent to inform you of the following options with respect to continued legal representation, for matters being handled for you by Mr. Michal:

- You may elect to remain a client of this firm and have your files remain with this firm;
- You may elect to be represented by Mr. Michal at Lucas (2) & Mercanti and have your files transferred to that firm:
- You may elect to be represented by this firm for selected matters and to be represented by Mr. Michal at Lucas & Mercanti for other selected matters (if you select this option, please specifically indicate which matters are to be handled by this firm and which matters are to be handled by Mr. Michal);
- You may elect to be represented by another firm and have your files transferred to that firm; or
- (5) You may request return of your files directly to you.

Mr. Sam Cynamon

--2-

April 12, 2010

Please indicate your instructions in the form below and return a signed and dated copy of this letter by facsimile to both 212-319-5101 and 212-661-8002.

Thank you for your attention and cooperation.

Very truly yours,

Douglas Heltz

Robert Michal

I/We hereby exercise

option (2) set forth above.

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November 5, 2002

Under the Paperwick Reduction Act of 1995, no persons are required to respond to a coexcitive of information travels it displays a valid OMS control member. 6,475,047 B2 Patent Number Issue Date

PATENT - POWER OF ATTORNEY

REVOCATION OF POWER OF ATTORNEY	First Named Inventor	OBIT CYTHERIN
WITH A NEW POWER OF ATTORNEY	Title	RESQUE DEVICE
CHANGE OF CORRESPONDENCE ADDRESS	Attorney Docket Number	44428-02
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This extandance of information in mapmed by 20 CFR 1.31, 1.12 and 1.33. The extanuous is creditated for obtain a stemat by the pusher which is to five tend by an USSFTO to previous an application. Confidencing by systematic up 50 USS, 0.122 and 20 CFR 1.11 and 3.14. This exclusions is evidenced to evidence to evidence to the self-tend to the se ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that; (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information scaleded is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office has yno the able to process and/or examine your submission, which may result in termination of proceedings or abandoment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing coursel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, cursuant to 5 U.S.C. 552atm).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- A record in this system of records may be disclosed, as a routine use, to another tederal agency for purposes of National Security review (36 U.S.C. 181) and for review pursuant to the Atomic Emercy Act (42 U.S.C. 218(cf)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 4 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routhe use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 161. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9 A record from this system of records may be disclosed, as a routine use, to a Federal. State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or recordation.

	Electronic	Acknowledgement F	leceipt					
	EFS ID:	15412889						
	Application Number:	09785941						
Intern	ational Application Number:							
	Confirmation Number:	4399						
	Title of Invention:	RESCUE DEVICE	16.7					
First Na	med Inventor/Applicant Name:	Sam Cynamon	Sam Cynamon					
	Customer Number:	1933	1933					
	Filer:	Robert P. Michai/Joanne I	Robert P. Michai/Joanne Rhee					
	Filer Authorized By:	Robert P. Michal	Robert P. Michal					
A	ttorney Docket Number:	01065/RPM	01065/RPM					
	Receipt Date:	02-APR-2013	02-APR-2013					
	Filing Date:	16-FEB-2001	16-FEB-2001					
	Time Stamp:	16:04:36	16:04:36					
	Application Type:	Utility under 35 USC 111(Utility under 35 USC 111(a)					
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Document	Document Description	File Name	File Size(Bytes)/	Multi	Pages			

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Warnings:					
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a filing Receipt (37 CFR 1.54) will be sissed in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/993 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the International filing date of the application. Jinger the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

"FEE ADDRESS" INDICATION FORM

Address to: Mail Stop M Correspondence Commissioner for Patents - OR -	Fax to: 571-273-6500
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PATENT NUMBER (ii known)	APPLICATION NUMBER
6,475,047, issued November 5, 2002	09/785,941, filed February 16, 2001
Completed by (check one):	W. MILLIO
Applicant/Inventor	Signature
Attorney or Agent of record 35,614 (Reg. No.)	Robert P. Michal
(Reg. No.)	Typed or printed name
Assignee of record of the entire interest. See 37 CFf Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	R 3.71. (212) 661-8000 Requester's telephone number
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erned Application information		
EFS ID	15667679	
Application Number	09785941	
Confirmation Number	4399	
Title	RESCUE DEVICE	
First Named Inventor	Sam Cynamon	
Customer Number or Correspondence Address	1933	
Filed By	Robert P. Michal/joanne rhee	
Attorney Docket Number	01065/RPM	
Filing Date	16-FEB-2001	
Receipt Date	01-MAY-2013	
Application Type	Utility under 35 USC 111(a)	

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
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